

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

FEB 24 2015

Clerk, U.S. District Court
District Of Montana
Missoula

DILLON JAMES CROUCH,

CV 14-24-H-DLC-JTJ

Plaintiff,

ORDER

vs.

JILL BUCK, DR. EDWARDS, DR.
FLYNN, CYNTHIA BOLES, ERIN
ISRAEL, and BRIAN WINTERS,

Defendants.

United States Magistrate Judge Keith Strong¹ entered his order, findings, and recommendations in this case on December 29, 2014, recommending that several of Plaintiff Crouch's claims against Defendants be dismissed for failing to state a claim upon which relief may be granted. Judge Strong also ordered that Crouch's Eighth Amendment claim for denial of medical care be served upon the applicable Defendants. Crouch did not object to Judge Strong's findings and recommendations regarding the dismissed claims, and so waived his right to *de novo* review of the record. 28 U.S.C. § 636(b)(1). The Court will therefore review the record for clear error. *McDonnell Douglas Corp. v. Commodore Bus.*

1. This case was reassigned to United States Magistrate Judge John T. Johnston on January 6, 2015. (Doc. 9.)

Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). The Court adopts Judge Strong's findings and recommendations in full.

Judge Strong found that the conduct underlying Crouch's verbal threat and harassment claims fails to rise to the level of an Eighth Amendment violation. *See Keenan v. Hall*, 83 F.3d 1083, 1092 (9th Cir. 1996) (finding that the defendant failed to state a constitutional claim because he failed to present "evidence that . . . comments were unusually gross even for a prison setting and were calculated to and did cause him psychological damage") (citations omitted). Judge Strong also found that Crouch's claim related to his discharge from Montana State Prison, in which he alleges Defendant Israel failed to arrange funding for continuing mental health support post-incarceration, should be dismissed because "[t]here is no constitutional right implicated by the facts alleged." (Doc. 8 at 8.) The Court agrees with Judge Strong's analysis of these claims, and adopts it accordingly.

There being no clear error in the remainder of Judge Strong's findings and recommendations,

IT IS ORDERED that Judge Strong's findings and recommendations (Doc. 8) are ADOPTED IN FULL. Crouch's claims regarding harassment, threats, and his discharge from Montana State Prison are DISMISSED. Crouch's Eighth Amendment claim for denial of medical care shall proceed.

IT IS FURTHER ORDERED that Defendant Erin Israel is DISMISSED from this action.

DATED this 24th day of February, 2015.



Dana L. Christensen, Chief Judge
United States District Court